

REMARKS

Claims 70-93 are pending. These find support as follows: Claim 70 (Claims 1 and 6, prior Claim 63, pages 7-8), Claims 71-73 (Claim 6, page 7, lines 26-28), Claims 74-75 (page 7, last paragraph), Claim 76 (Claim 4, page 7, line 10), Claim 77 (sequence listing, prior Claim 65), Claims 78-81 (Claims 13-17, pages 8-9), Claim 82 (page 8, lines 13-14), Claim 83 (page 8, lines 14-15), Claims 84-88 (Claims 9-13, pages 8-9), Claims 89-91 (Claims 1 and 6, page 7) and Claims 92-93 (pages 8-9, Claims 13-17). Accordingly, the Applicants do not believe that any new matter has been added.

Rejection—35 U.S.C. §112, second paragraph

Claims 52, 54-57 and 59-63 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the cancellation of these claims. Independent Claim 70 encompasses single- and double-stranded oligonucleotides as indicated in the claim language.

Rejection—35 U.S.C. §102

Claims 52, 53, 56 and 63 were rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al., WashU Zebrafish EST Project (1998). This rejection is moot in view of the cancellation of these claims.

Rejection—Double Patenting

Claims 59-62 and 69 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 15-19 and 23-26 of U.S. Patent No. 7,108,844. This rejection is moot in view of the cancellation of these claims. In the event that this ground of rejection is maintained, the Applicants respectfully request

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that this rejection be held in abeyance pending the identification of otherwise allowable subject matter. At that time, if necessary, a terminal disclaimer may be filed.

Allowable Subject Matter

The Applicants thank Examiner Zara for indicating that the subject matter of Claim 65 is otherwise in condition for allowance.

Conclusion

In view of the above remarks, the Applicants respectfully submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

A handwritten signature in cursive script, reading "Thomas Cunningham". The signature is written in black ink and is positioned above a horizontal line.

Thomas M. Cunningham, Ph.D.  
Registration No. 45,394

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)